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AUG 22 2008

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LANCE EMIGH,

Plaintiff,

v.

MONROE STATE PRISON, *et al.*,

Defendants.

CASE NO. C08-976-JLR-JPD

ORDER DISMISSING § 1983 ACTION

The Court, having reviewed the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The complaint and this action are DISMISSED without prejudice.
- (3) Plaintiff's application for leave to proceed *in forma pauperis* is DENIED as moot.
- (4) The Clerk is directed to send copies of this Order to plaintiff and to Judge Donohue.

DATED this 22nd day of August, 2008.

  
JAMES L. ROBART  
United States District Judge



08-CV-00976-ORD

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